

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DIANA RINCON,

V. **Yankee**,

NATIONAL RAILROAD PASSENGER
CORPORATION,

Defendant.

CASE NO. C18-5415 BHS

**ORDER GRANTING PLAINTIFF'S
MOTION TO CONSOLIDATE**

NATIONAL RAILROAD PASSENGER
CORPORATION,

Defendant.

This matter comes before the Court on Plaintiff Diana Rincon’s (“Rincon”) motion to consolidate case with the Karen and Kevin Barrett case. Dkt. 21.

On May 24, 2018, Rincon filed a complaint against Defendant National Railroad Passenger Corporation (“Amtrak”) asserting claims for damages resulting from a train derailment. Dkt. 1. On July 19, 2018, Plaintiffs Karen and Kevin Barrett filed a complaint against Amtrak for injuries resulting from the same accident. *Barrett v. Amtrak*, C18-5572BHS, Dkt. 1.

On June 20, 2019, Rincon filed a motion to consolidate these cases under the schedule issued in the Rincon case. Dkt. 21. On July 1, 2019, Amtrak responded and

does not oppose consolidation, but it does oppose implementing the schedule in the Rincon case. Dkt. 22. On July 5, 2019, Rincon replied. Dkt. 24.

If actions before the Court involve a common question of law or fact, the Court may consolidate the actions. Fed. R. Civ. P. 42(a)(2). In this case, the two cases involve common questions of law and fact warranting consolidation. Thus, the Court grants Rincon's motion as to the issue of consolidation.

Regarding the appropriate scheduling order, Amtrak argues that it will suffer prejudice if the Court imposes the Rincon schedule because it will not have sufficient time to conduct discovery in the Barrett case. Dkt. 22 at 2. Although discovery issues may arise in shortening the discovery period for the Barrett case, at this point Amtrak's alleged prejudice is purely hypothetical. If Amtrak is unable to complete its discovery by the deadline through due diligence, then the Court expects the parties to meet and confer regarding either a severance or continuance of the consolidated matters. In other words, the Court finds that Amtrak has sufficient time to complete discovery in both matters by the Rincon discovery deadline. Therefore, the Court will impose the Rincon schedule.

The Clerk is directed to post this order in both cases and administratively close the Barrett case. All further filings in these matters shall be in the Rincon case.

IT IS SO ORDERED.

Dated this 25th day of July, 2019.


BENJAMIN H. SETTLE
United States District Judge